

REMARKS

Status of Claims

Claims 1-20 are pending. Claims 1-20 have been rejected under 35 U.S.C. §103(a). Claim 1 has been amended. Support for the amendment to claim 1 is found in paragraph 56 of the specification as originally filed. Claims 1-20 remain for consideration upon entry of the present Amendment. No new matter has been added.

Claim Rejections – 35 U.S.C. §103(a)

Claims 1-8, 11-14, and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,612,136 to Everaerts et al. (hereinafter “Everaerts”). Claims 9, 10, 15, and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Everaerts as applied to claim 1 in view of U.S. Patent No. 5,308,887 to Ko et al. (hereinafter “Ko”). Claims 17 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Everaerts as applied to claim 1 in view of U.S. Patent No. 5,264,278 to Mazurek et al. (hereinafter “Mazurek”). Claims 19 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Everaerts as applied to claim 1 in view of Ko and Mazurek.

Everaerts teaches a Pressure Sensitive Adhesive having improved adhesion to acid-rain resistant automotive paints. The adhesive comprises a cross-linked copolymer comprising at least one monomer selected from the group consisting of monofunctional unsaturated meth(acrylate) esters, a nitrogen-containing basic monomer that is copolymerizable with the ester(s), an optional copolymerizable acidic monomer, and a cross-linking agent. (Column 3, line 49, to column 4, line 57).

Claim 1, as amended, recites an acrylic pressure-sensitive adhesive tape comprising a primer layer disposed between a layer of acrylic backing and a layer of pressure sensitive adhesive, the primer layer comprising a primer selected from the group of primers consisting of polyamide solution, polyamide emulsion, nitrile rubber based solution, nitrile rubber based emulsion, natural rubber based solution, natural rubber based emulsion, ethylene-propylene copolymer rubber based solution, ethylene-propylene copolymer rubber based emulsion, ethylene-propylene-diene monomer terpolymer rubber based solution, ethylene-propylene-diene monomer terpolymer rubber based emulsion, poly(ethylene-co-vinyl acetate) solution, poly(ethylene-co-vinyl) acetate emulsion, poly(ethylene-co-vinyl acetate and alcohol) solution, poly(ethylene-co-vinyl acetate and alcohol) emulsion, silane modified rubber

solutions, and silane modified elastomer solutions. Everaerts fails to disclose, teach, or suggest a primer layer disposed between a layer of acrylic backing and a layer of pressure sensitive adhesive, the primer layer comprising the primers as described above.

Because Everaerts fails to disclose, teach, or suggest, what Applicants claim in their amended claim 1, namely, a primer layer disposed between a layer of acrylic backing and a layer of pressure sensitive adhesive, the primer layer comprising a primer selected from the group of primers described above, Everaerts fails to disclose, teach, or suggest all of the claim limitations of Applicants' invention. Consequently, because not all of the claim limitations are taught by the Everaerts reference, a prima facie case of obviousness is not established. Therefore, Applicants' claim 1 is necessarily non-obvious. Applicants, therefore, respectfully submit that claim 1 is allowable. The rejection of claim 1 under 35 U.S.C. §103(a) should be withdrawn and claim 1 should be passed to issuance.

Claims that depend from a non-obvious claim are themselves non-obvious. Claim 1 is asserted to be non-obvious for the foregoing reason. Claims 2-20 depend from claim 1. Because claims 2-20 depend from claim 1, and because claims that depend from a non-obvious claim are themselves non-obvious, claims 2-20 are necessarily non-obvious. Therefore, claims 2-20 are allowable. The rejection under 35 U.S.C. §103(a) should be withdrawn and claims 2-20 should be passed to issuance.

Double Patenting

Claims 1-20 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application Serial No. 09/920,182 in view of U.S. Patent No. 5,695,837 to Everaerts et al. In response to the Examiner's provisional rejection, a terminal disclaimer is filed herewith.

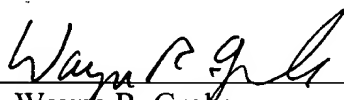
Conclusion

Applicants believe that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein are allowable to Applicants. In view of the foregoing points that distinguish Applicants' invention from those of the prior art and render Applicants' invention novel and non-obvious, Applicants respectfully request that the Examiner reconsider the present application, remove the rejections, and allow the application to issue.

If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned.

A check in the amount of \$420.00 is enclosed for the two-month extension fee. If additional charges are incurred with respect to this Amendment, they may be charged to Deposit Account No. 13-0235 maintained by Applicants' attorneys.

Respectfully submitted,

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